15

1905

G. R. S. 58]

Previous references.

File No. 296.

1896.

Serial Nos. 1 – 15

(L · R ·)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 15

~~Part~~ B for December 1897.

SUBJECT.

Unauthorised cultivation of certa lands in Kalkalli village.

Indexed

B B Shenk Asst

W D 1651—GPE—20,000—13-12-15

Before the Government of Mysore.

No. 296 of 96

Appeal No. 119 of 96-97 Old No.

Appeal No. 119 Appellant. Vs. Respondent.

Lakshmi Narasiya

~~Chikkanarayanashetti~~
~~Puttama~~.

Appeal No. 120. Chikkanarayanashetti
(2) Puttama Vs Lakshmanarasappa

Subject:- Appeal against the order of the Dy Comm^r Mysore &c, granting certain lands in Kaliathi village for purposes of cultivation to Lakshmanarasiya.

List of papers in English.

(1) Appeal petitions from Chikkanarayanshetti & Puttama and from Lakshmanarasiya
(2) Official Memorandums (2)
(3) Mysore Dy-Comm's letter No. 1578 dt 12-4-97
(4) " " 1579 dt 13-4-97
(5) Govt Pro: No. 1382-90 dt 1-10-88
(6) Precis. (7) Sketch-Map dt 29-7-97 in Duplicate
(8) Dy Comm's letter dt 23-9-97 with enclosures.

A Sketch drawn up showing the several channels & lands irrigated therein, and the number of days in which the lands are to be watered, the quantity of water to be obtained, the survey numbers, & quantity to be benefited.

5/7/97

Before the Government of Mysore.

Appeal No. 119 & 120 of 1896-97.

Appellant.	Vs.	Respondent.
Appeal No. 119 Lakshminarasappa		(1) Chikkaveeraiah (2) Puttamma
Appeal 120 (1) Chamaraya Chetti (2) Puttamma		Lakshminarasappa

Both parties served

6-7-97.

Lakshminarasappa and Chamaraya Chetti present.
A sketch ordered to be sent for.

Lakshminarasappa & Chikkaveeraiah
& Chamaraya Chetty present
A revised sketch has been called for

5/7/97

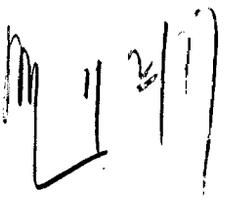
Reported to 30th November 97.

Notices served.
30.11.97

1. 12. 97.

Lt Col Cumberlege present –
Others absent.

By Comm's order confirmed.



(6)

Petition not to be moved in the usual course until notice to all concerned

28/5/97 Mudr

5/6/97

Bring up for hearing

M 5/6/97

2a 30.5.97 Sent for receipt 1st 5/6.

Précis of the records in Connection with :—

Petition No 1124

Petitioner - Cheriyan Sathy and Sathuma of Kasba Manjangad, Ulpine Dist.

Subject :— Appealing against the order of the Deputy Commissioner granting certain lands in Kachatti village to which they applied for - to Shankhoji Narsappa.

Petition No 206 from the Counter-petitioner the said Lakkanni Narsappa of Kasba Manjangad Ulpine District, also appealing against the same order of the Deputy Commissioner finding their guilty of unauthorized cultivation of certain lands in the said village and assessing from him the value thereof.

The facts of the case are as follows :—

In the year 1888-89 (Swabhani) Cheriyan Sathy the 1st Petitioner

petitioner put in a Darkhast, registered with No 3 for certain lands in Karkhalli village. The Amildar enquiring from the Shekdar as to their fitness to be given to Darkhastdars, came to know that they were situated below a new channel (Nala) to be opened, and so rejected the application and issued an endorsement stating that they could not be given him on the ground that the Karkhalli channel would pass by them. The boundaries given as found in the register are noted in the margin.

In 1889 it seems that there was an application from Pattanna the 2nd petitioner and from Lakshmi Narasappa the Counter-petitioner for the same lands, but the latter withdrew his application as the cultivating season was over, when it was cancelled at his own request.

In 1890 the said Lakshmi Narasappa again applied for the same lands setting forth their boundaries and Survey No. as noted in the margin. He was the minor son of Nirvanayya Shanbhog of Channalapura and other villages who was under Registration from his own part in the Darkhast. These lands were

(Dated 2-9-88 File No 3)
vide also an extract from the Darkhast Register 7 (6)

1st Block N - Varkatte
S - Dada (50
E - Hatnadipura boundary (cross)
W - Channamarati Kallu Hennu

* II block N - Kalla (65 ½ bottas)
S - Dada - banjar
E - Channamarati Kallu
W - Dada

* any certain portion within these boundaries in the applicant's patta

* vide Taluk Cutcherry for 90-91 7 (11)
and the statements of the two parties

-12-92

No 116 on 12/ in the inclusive - boundaries on the South by Chikka Narasa & others' lands.
Measuring 1-4-02 assessed at 7-3-0
- North - Semi-circular channel of the Kahila river
- East - Hatti-adipura boundary (cross) 3
- West - Kalagere Subbarayappa and Sircar Banjar lands.

were registered as Chadasal, being resigned by the cultivators and hence removed from the list of cultivated lands. The statement prepared by the acting Shanbhog shows that there was no objection by the ryots to the grant thereof to the Darkhastdar as that was the only Darkhast made during the year and they had no connection with the Channel (vide). On this, the Amildar called for a report from the Shekdar as to whether there were any trees on the lands applied for and whether they might be given to the Darkhastdar. The Shekdar accordingly required a certificate from the Shanbhog, who certified that there were no trees there, and that there was no objection to give the lands for cultivation, which statement with the correspondence was duly submitted to the Amildar. Thereon, the Amildar sent a Sagawali chitti No 1 to be delivered over to the Shanbhog permitting him to cultivate the lands applied for.

Till 1894, it will appear from

7(b)

whose name was Subbanna - Shanbhog of the neighbouring Chickayyana Chatra and other villages.

+

8-5-90

18-5-90

17-6-90

the records that there was no dispute about the grant of these lands to the Shanbhog Lakshmi Narasappa-ke Counter petitioner herein. The reason assigned for this was that the prior applicants were not aware of this fact as will be seen from the statements and petitions hereto attached.

On 22-11-94 the 1st petitioner Chelvaraj shetty complained to the Amildar of the impropriety of the grant in question to the Shanbhog, as when he applied for the same in 1888, he got an endorsement stating that they could not be given for cultivation, on the ground that a new channel was to pass close by. He then prayed that the Shanbhog's Darkhast might be cancelled and he be permitted to cultivate the same.

24-9-88

7 (3) mild

On this, the Amildar examined Subbanna the acting Shanbhog who was doing the Shanbhogi work of this village (Kalkatti) when the above Darkhast was received,

and

and took this declaration which runs as follows:- "Narasimmayya the [illegible] Shanbhog was under suspension was suspended for a year after the Jalanabudi for 1887 (Virodhi) was over. That year his son Lakshmi Narasappa applied for a dry land in the Kalkatti village. I don't remember the Nêse of the land, which however I have personally inspected. As I was quite new and inexperienced, I was directed by the Amildar to do the work under the guidance and instruction of Narsimmayya - the said suspended Shanbhog. When I went to inspect the land applied for by his son, he was with me and showed me its situation which was to the north of doctor Guddu and about two furlongs from the Canal. He told me to measure the land when the patel was also present. I do not know whether it was Chadasal Banjar or Arâdi Banjar. I wrote everything under his instructions. He was then shown the Darkhast, & correspondence including certificate. He admitted that it was the very application he received, and the certificate was in his own writing

He was then shown the statement and questioned whether it was for one No or for several Nos that the Darkhast was made, whether it was Shadasal Banjar or Anadi Banjar and whether he received any other Darkhast for the same lands and similarly certified. Referring to it he said that it was for Nos 116 to 121, that they all lay on the same plot and that he prepared the list under the guidance of the applicant's father. and that he could not remember whether any more Darkhasts were received by the Talukdar or not.

A reference to the Statement X shewing the lands lying below the channel in the said village in 1894 shows that the Nagar No 116 in the Khata of the Shanbhog Lakshmi Narasappa comprised 3 plots corresponding to the Survey Nos 73, 74 & 75 and No 120 - 4 plots corresponding to Nos 76 to 79 inclusive, and that the latter No 120 was said to belong to the Shanbhog, that they tendered the rates (Exp 9) and appeared to be Sarcari Anadi Banjar. hereto attached 7 (1)

A reference to the Vethwari Book of the same village for 1870-71 (Exhibit 3) shows that Nos 116 to 121

inclusive were dry lands in the patta of several ryots - Hasiram Char and others.

On 14-8-95 Chelvarayan Shetty submitted a reminder to the Amildar stating that he applied in July 1888 for Nos 1164-121 giving only their boundaries, that he received the endorsement above noted, that the Sirnadakidar - the Counter-petitioner sold some and cultivated others, that he petitioned the Amildar questioning him the reasonableness of his grant subsequently to the Shanbhog of the lands he applied for but was refused - that he received no reply and so he prayed for early orders.

On this, the Amildar issued a notice to the Shanbhog - the applicant - and his father requiring their statements as to the allegations of the petitioner and ordered them to be present for hearing on 17.9.95. Accordingly they appeared, and were examined. The deposition of the applicant's father runs as follows:—

That he was the Shanbhog of Kalhalli village, that having

been suspended for a year, was not

during the work when his son
Lakshmi Narsappa put in his
Darkhast in 1890 - that he saw
the petition from Chelvroy Shetty
above noted - that he could not
remember that he made any
Darkhast, referred to in his
petition for the Land in dispute
that in 1889-90 many Darkhast
were received for lands at Ballam
Kulhalli and other villages - that
all their applications were rejected
on the ground that a new channel
would pass close by - that since
1890 the Nos 116 to 121 were in his
Sub khate and that two of them
viz Nos 119 & 120 were situated above
the Channel, and the others were
on its other side that in the former
dry crops were sown and in the
latter which were close to the river
wet crops were raised - that he
did not know that the Lands
situated below the channel were
not to be given to Darkhastdars
on application but it is said that
there was a circular stating that
if applications were received for
the Lands lying within the limits of
the

from Nanjappa, Narasappa, Ranganna and Lakshmi Narasappa his son.

the channel as extended, they ought to be rejected – that it was during the time of Mr Raghavendrarao that the Hulhalli channel was constructed when Mustchalikas were taken from the ryots – that the lands referred to in the petition of Chelvaroy Shetty were applied for in 1889 by his son, that the application was cancelled at his own request, that he applied again next year for the same lands which after the necessary correspondence were granted to him – that then he was under suspension and the Shanbhog of the neighbouring village Subbanna by name and the Shekdar Budankhan were looking after the work – that the Shanbhog was not, as alleged, under his direction but was doing the work on his own responsibility – that he saw the Memkhast from his son dated the 17th March 1890 – that the Six Nos therein mentioned were surrounded on all sides by his wet kitchkhat – Saw also the statement prepared by Subbanna who stated that the lands applied for had no connection with the channel, and that was not at all prepared under his instruction,

He was then questioned by the Commissioner whether any similar lands were given to the Dunkhast dars after the circular referred to in this statement was issued, and what No was granted to Ranjanna for cultivation. In reply, he said that no lands were given in any of the villages Bellana, Kalhalle and Chanalapura - that the land No 114 was given solely to his son, but that No 115 was jointly given to his son and the said Ranjanna - that this was to the South of the channel and that there were no lands on the north towards the river. He submitted the Settlement Register for 1870-71 as directed

On 15-1-96 he was again examined by the Commissioner, and his deposition taken, which was as follows:- that the lands applied for by his son were all in one side, and Bundsal as noted in the margin

that when the Dunkhast was made, the channel (Hulhalli) was not opened, until and it was not opened, until after four years' enjoyment of the lands by the Jagirdar Chandra

above noted-

21/1

in the North by Chanapila river & the old Canal (Bundsal)

— South — Subbarajayya's land in cultivation

— east — Kalvadhara boundary & Chakrabhavacar's land (dry)

— West — . No 113 - Chadasal Ranjan

[N.B. This slightly differs from the one given above - as given in the Dunkhast and the Chandhop's Statement.]

that it was to the north of the old Canal and to the east and west of the fmn Nos 16-17-18 & 24 - that consequently the northern halves of these Nos were found suitable for wet cultivation, while the other halves not being irrigated by the channel were lying waste - that the Nos 119 and 120 were sold by his son - that he was not in the village when his son applied for the above Nos - that these Nos extended from the shore of the Kabila river on the north to Subrajayya's lands on the south above the old channel - that since the time of Mr Lakshmana Rao, all Dankhasts were rejected on the ground that a channel was to pass through the village but as he was not there when his son applied, he did not know why it was not also refused as others - that the above Nos were attached to No 113 which was Anadi Banjar and given away to others in pieces. that for two years after the channel was opened, he raised wet crops

when he was objected - that he

then said that he would have brought the matter to notice of the authorities, if he knew that he was wrong in having cultivated and the channel was certainly to pass through them and that he relied on the Sagumali cheeti granted to his son.

On 8-3-96 his son Shambhoy Lakshmi Narasappa - the Counter-petitioner herein - was then examined and his deposition was to the following effect - that the plan prepared by the Survey Department which he was referred to, showed the northern and the Southern boundary as being the Kapila river and the southern branch of the Rampura river - that the boundaries set-forth in the Darkhast were only approximate - that the Lands were registered as Chadasal - that they being situated on either side of the channel were cultivated with wet crops - that they were formerly in the cultivation of others - that he therefore sowed dry

(3)

thereto attached 7(13)

except nos 119 & 120

x Hanumanthappa & others

crops for two years and sold the
Nos 119 & 120 - That about 4 years
ago when the Hulihalli channel
was opened ~~which passed on either~~
~~side of the~~ they were found
suitable for wet cultivation
as shown in the Survey plan -
That he applied for the above six
Nos in 1889 which were granted
but as the cultivating season
was over, he applied for
Cancellation. In the next year
he applied for cultivation when Subbanna
Shanbhog of the neighbouring
village was acting for his
father who was under sus-
pension - that he did not know
which were the lands applied
for by Chelvaroy Shetty in 1888,
and whether he really did
so, and that it was the same case
with Ranganna who was said to
have applied in 1889.

On 9-3-96 Chelvaroy Shetty
petitioned the Jamabandi officer
complaining of the grant to the
Shanbhog of the Lands he applied
for but refused - that he begged
the Amildar on several occasions

the remaining Nos 116
116, 117, 118 & 121.

above referred to.

to inspect the lands in dispute
and grant the same to him
being the prior applicant - that
he petitioned the Jamabandi officer
during the previous Jamabandi
and also the Assistant Commissioner;
but received no orders from any
of them - that he did not describe
the lands in his darkhast as
Chadasal Banjar but simply
set forth the boundaries - that
the endorsement stated that the
Sirkhot and the Shanbhog said
that it was Chadasal - that it
was for the lands lying within
the first block that he applied, which
were below the channel and were
then in the enjoyment of Shanbhog
Lakshmi Narasappa - that those
lying within the second block were
above the channel which the Shan-
bhog purchased, and sold some
of them and retained the others -
that the Amildar might have
confirmed that fact by his inspection
the previous day - that when he
put in the Darkhast, it was
the Counter petitioner's father
who was the Shanbhog, and who

lands attached

above noted

wrote it and [illegible] it cancelled -
that he made his own apply, who
set forth the boundaries of the lands
lying above the channel, in the
Darkhast, and in giving the Number
gave those referring to the lands
below it, for which the petitioner
applied - He prayed that these lands
which were in the counter-petitioners
enjoyment might be given him
being the prior applicant.

7(18) On 24-3-96 Lakshmen Narsappa
the counter-petitioner, petitioned the
Police Superintendent, Mr C. Hamilton
stating that he applied in 1890
for Maps Nos 116-120 inclusive
extending from the shore of the
Kapika river to the lands lying
on the South - that of these Nos 116-117
118 and 121 lie below the Channel which
would seem from the Vottuvari
Accounts - that the former cultivators
might also corroborate this fact -
that Nos 119 and 120 lie above the
Channel to the west and north
of Chakra Nara's lands - that his
Darkhast was confirmed by the
Jamabandi Officer - that when he
applied, the lands were full of
thorns and the course of the Channel
was not properly traced - that
three months after he was per-
mitted

suited to cultivate his lands,
the channel project was unexpectedly
sanctioned - that till then there
was no reliable information
about it and so the acting Sheris-
tadar Subbanna stated in his
certificate that the lands had
no connection with a channel
that about nine months ago
the channel work was over -
that he sold two Nos 119 & 120 and
transferred the Patta to the purchasers -
that when Chelvaroy shetty applied
for the lands, he did not do so
in a proper form - that the boundary
given by the Sajawali Register had
no connection with the lands he
applied for as could be seen from
his original darkhast said to have
been lost - that it was usual for
the last 10 years to reject all applic-
ations on the ground that they were
situated below the channel to be
opened, though in fact they lay
much above - that the same form
of certificate was used both
for the villages where a channel had
to come, and for those where there
was none - that because there were

no

no marks to define the limits of the channel when the counter-petitioner applied for lands, the acting Sirastadar should certified to their fitness and gave his statement accordingly before the Amildar - that from the time he got the lands he was raising dry crops such as Jola, horse-gram, Bengal-gram &c - that because he made them fit for wet cultivation at the expense of a large sum of money, Chelleroy Shetty keeping silence till then and being instigated by the Salak Sank Inspector must have moved his complaint - that his Darkhast was accepted after long correspondence, that the very Amildar who granted his Darkhast, subsequently changed his views and asked the Gumasta Timmarancayya to enter the lands in the Kanara Jasta Jakkibi assessing wet rate thereon - that the Govt officials must have inspected the lands he applied for, when neither he nor his father were the Shanbhog - that the probable reason why Chelleroy Shetty complained then was that he was backed up by the Sank Inspector who when he went to the village to prepare a contradiction first expressed his desire for a bribe, saying that the counter-petitioner did not do his work properly and he would

thereon

case report - that this matter would be testified by Subbaraja and others of the village - that because he was the immediate subordinate of the Amildar he was afraid to bring it to his notice and that he had much to say about the Inspector which he would do when on being examined.

The very next day he got an endorsement to the above petition stating that the Amildar had been asked to submit the record of his case and the P.W. Dept to inform when the channel reverted to see the above petition was sanctioned, and in reference to the officer in charge of No III Subdivision, it was informed that the channel (Project) was sanctioned by the Chief Engineer in July 1890. 22-5-95 F(14)

Thereupon an enquiry was instituted by Mr Hawkin into the matter, and Subbaraj mrs, of the village Ramanathanpur and others as desired by the Counter-petitioner were examined. Subbaraj mrs deposed that he was a ryot paying Rs 500/- kandayam - that he knew that the lands in the cultivation of the Counter-petitioner were formerly in the khata of Alasingachar and others F(16-17)

that they can trace till about 6 or 7 years ago owing to their relinquishment & non cultivation - that they were above the Mulchalli Layakkal (main-channel) and below the Branch Channel lately constructed at the foot of the Gudda (Hill) - that till last year the counter-petitioner was raising dry crops when a branch of the Mulchalli channel passed close to the old canal ~~and~~ which was dry and between the lands in dispute - that then the counter-petitioner levelled a high ground containing 5 or 6 acres at the expense of sooper gold as that part could be irrigated by the channel -

Then Devarajaiya and Macane Gauda said that they ~~would~~ agree with the above -

Tirumaranangar then deposed that he was in charge of the Kasba - that the petitioner Chikkanna Shetty put in a Darkhast for some banjar lands in the Kalkatte village - that ~~the records~~ it was recorded after correspondence noting it in the Reference book which was also sent to the records at the close of the year and he had nothing with him to be submitted -

Then the Sheristadar Burdan Khan deposed that he was the Kasba Sheristadar in 1890 - that then the

Counter-petitions for Nos 116 to 121
which were Chadasal, and hence
he reported for that they might
be given for cultivation, but
he could not definitely say
which were the lands on which
he raised wet crops, as it was
a matter of six years past.

Thereupon the Amildar re- I(11)
ported in his Jakrar Yadhsht
for 1895-96 as regards this case
as follows:- That the Head Inspector
who was asked to measure the
Sarpar Ranjan Lands in the Kalhalli village
for the use of the Sreecumteswara
Temple, ~~he~~ reported that the Lands
in the occupation of the Shanbhog &
the Counter-petitioner belonged to
Government - that the original
Darkhast from Executive Engineer was
not found, but as seen in the
Register where it was numbered
11, the boundaries were as above
noted - that in 1889 Shan. Lakshmi
Narasappa applied for these Lands
but cancelled at his own request
being the close of the year - that the Nos
116-118 & 121 were formerly in the
Khata of Hanumgowdar, No 117-7
Kacha, No 119 of Mara & No 120 of
Chalmeena Kunte - that on the
certificate of the Shanbhog, the same was
the Darkhast - that these Nos showed that

they were situated above the channel but they did not convince the Court "chadasak" as found on the Sarkhast - that the Nos 114 & 115 registered as chadasak were applied for by Ramanna - that on reference to the Vottuvari Book it was found that upto No 115 the lands seemed to be above the channel, that the No 116 being to the ~~south~~ west of No 115, the subsequent Nos as far as 122 must lie above the channel, but that they were entered by the acting Shanbhog Subbanna, a new man, as being below the channel, who being inexperienced could not be said to have done on his own responsibility - that it might be that he acted according to the instructions of the suspended Shanbhog - the Counter-petitioner's father and that consequently here was free scope to practise deception - that it would be seen from the Patrani Accounts for 1888-89 when the village was surveyed and when the Shanbhog got the Survey Nos fixed to the maps Nos 116 to 121, that the lands the counter-petitioner applied for, were quite different from those which he were in his cultivation -

that

that the Thanthoys garden and himself disputed intending to have the west lands lying below the channel for themselves, applied for them just at the time when there was a Change of the Amildars, without giving any information about the cancellation of the Darkhast for the same during the preceding years and thereby obtained the very valuable lands by giving a wrong description thereof and so they might be termed "Lavanjedars".

On this the Jamabandi Officer inspected the lands in dispute with the Amildar and observed that he learnt that these lands were given to the Darkhastdar previous to the Kulkatti Rayakalve project was sanctioned - that the branch channel running between the lands was not opened till last year - that the lands were situated near a Gudda three miles off from the Rayakalve - that the Amildar must have accepted the Darkhast seeing that the lands were classed as dry - that the Thanthoy's certificate noted behind the Darkhast was not reliable as could be seen from his statement - that though the Amildar was wrong in having accepted the Darkhast, yet, there were no records to say that the lands in dispute

x 7 (11)

above noted

did not comprise those lying
between the branch channel — that on
enquiry it was found that these
lands in dispute were, before their
relinquishment, in the enjoyment
of Alasingrachar and others —
that the boundaries and the Maps
Nos were found on inspection to
be correct — that the Northern
boundary noted in the Darkhast
viz "Sree Tolen Singpore" it
should be construed to mean
the Kapila river or the Southern
branch of the channel, so that the
lands on the north extended as far
as the Kapila river — that the Amin
was of opinion that the portion
cultivated with wet crops did
not belong to the Darkhastdar and
so he fraudulently included the
same in his lands — but this plea
could not be supported as the
lands in dispute were said to be
in the holding of Alasingrachar
and others previous to the introduc-
tion of the channel and that the
Vothnamah accounts also showed
that they corresponded to Nos 116 to 121 —
that the Maps Nos given by the meerasdars
were not correctly taken as the
Shanbhogs would not generally

would be present at the time of measurement - that there being no records connected with Chelvaroy Shetty's petition, it was not possible to know whether there were any prior ~~claimants~~ applicants or no, and he then ordered that on those grounds the lands granted to the counter-petitioner after the necessary correspondence might not be taken away from him, but that they might be confirmed to him on condition of his paying such assessment for those lands at a rate similar to that of adjoining lands.

On 30-4-96 Puttanna the second petitioner preferred an appeal to the Deputy Commissioner, Mysore against the above order of the Jamabandi Officer on the following grounds:—

1. That he applied for the lands in dispute in 1888, but his application was rejected on the ground that a channel was to pass close by - Similarly in the case of Chelvaroy Shetty and Ranganna. But in 1890 Shanbhog Lakshmi Narasappa the counter petitioner applied for and got the same lands.

2. That the matter of grant was not known to him till 1894 when the Circle Inspector was sent to the village

6

to measure and select certain lands

for the use of Seccamaleswaram

Swamy temple, who on inspection

reported that the lands in the a

cultivation of the counter-petitioner

belonged to Government, whereon

the Amildar inspected the spot

on two occasions, and confirmed

the Sub Inspector's above state-

ment and then, closed the case

before the Jamabundi officer in

his cutcherry at Ghat, who gave the

above order; although he told the petit-

inperson

2 that the lands in dispute would

be taken back from the Darkhastdar

and disposed of by auction sale.

3 That the course of the channel

was properly traced in 88-88

by the Survey Department, and

that there was a Sirkar notifi-

cation in 1885-86 to the effect

that no lands lying close to

it should be granted to the

Darkhastdars

4 That the counter-petitioner

put in a Darkhast for lands

lying above the channel, but

raised wet crops on lands lying

below the channel measuring

20 or 25 acres — that these were

Sircar banjar and were never

in his enjoyment before, and that

was the reason why the Amildar

ordered

entered the case in the Talukdar's Court

5 That the Jamabandi Officer's construction of the phrase denoting the Northern boundary of the lands applied for was wrong, as it would refer only to the channel and not to the Kapila river

6 That the original records including the Darkhast from of Chelvaroy Shetty were said to have been lost - but that was false as the Chambhoj and the Taluk Gumasta had purposely concealed them. and —

7 That when the Jamabandi Officer referred to the Pahani Accounts in presence of the Amildar where some corrections had been made, the counter-petitioner admitted that they were in his father's handwriting, which therefore might be taken as evidence of this matter.

Praying that the lands in dispute might be by any means given to him or to Chelvaroy Shetty - being the first applicant.

Thereupon the Deputy Commissioner asked the Amildar on 30-4-96 to submit all records in connection with that case which he did

did on 13-5-96, then the Dy. Commr
wrote to the Circle that an
enquiry would be ~~held~~ made at
Nimpuragud, asking him to require
the presence of the parties concerned.
Accordingly the Circle Officer issued
a notice to the petitioner Puttamma
that he should ~~attend~~ appear
before the Deputy Commissioner for
examination.

After the necessary enquiry, the
Deputy Commissioner ordered as
follows:— 7(23)

The petitioner's contention was
that the Counter-petitioner got
certain lands in Darkhast in
Kachalli village and unauthorisedly
cultivated Govt waste land
close to them which was of a
high value and was also applied
for by others - that the former Circle
Asst, on enquiry, found it to be
a fact and directed its entry
in the Cultivation Jakhla for 95-96,
that the Jamabandi Officer decided
that the counter-petitioner
had not done so and that the land
in dispute was a part and parcel
of the lands obtained by him on
Darkhast - that the petitioner stated
that he applied for the land in dis-
pute

fluke, prior to the counter-petitioner but there was no reference to that effect in the records - that as he did not produce them, he had no grounds for appeal - But that as Section 217 of the Land Revenue Code provides for the revision of a Subordinate Officer's proceedings, the records were examined and found the construction of the Jamabandi Officer in respect of the northern boundary to be incorrect, as in that case the northern boundary would be undefined, and also it appeared on inspection by the Engineer of the Kapila river, so that the counter-petitioner had gone beyond his limits - that it was reported by the petitioner and the former Amildar Mr. Narasanna that the lands in dispute were cultivated with wet crops for the first time in 1895-96, but from the statements of the witnesses on behalf of the counter petitioner, it was found that they were in his enjoyment for the last 5 or 6 years, that he was raising dry crops until the Hulihalli channel was opened, that as they were suitable for wet cultivation

* Kapila river of the channel (above noted) - meaning that the lands lying between the river and the channel are comprised in the dark tint.

which lay between the river and the channel

cultivation, he raised wet crops in 1895-96 — On these grounds it was reasonable that he should not be deprived of them, & that they might be given to him on condition of his paying them value owing to his having cultivated them unauthorizedly — ~~Moreover~~ as Section 20 para 5 of the Revenue Rules provides for such cases — that as the Contestants' fathers agreed to pay at the rate of Rs 100/- per acre, ~~and~~ the former Amildar Mr Narasanna estimated at 150 to 200 Rs per acre, and Chelvaraj Shetty the first ~~Contestant~~ herein Consented to pay above 200 Rs per acre, ignoring the rate offered by Chelvaraj Shetty being an interested party - the reasonable rate fixed by the experienced Amildar Mr Narasanna viz Rs 150/- might be recovered from the Contestants otherwise they might be disposed of by auction, that the parties concerned be informed of this order and if necessary a copy thereof be given to them -

M

On 25-8-96 the Shanbhog-the

Communications applied for 2 (20)
a copy of the Deputy Commissioners
hearing Record from the Munsiff
but the records of the case had
not yet been sent to him. On
this the Deputy Commissioner ordered
to give him (Venkatrao) of the order
which he had on the meantime
sent to the Amildar.

The petitioners Chikkerayappa Shetty
and Puttanna have now appealed
to Government against the
above order of the Dy. Commr
on the following grounds:—

1. That in 1888 they put in a
Darkhast for certain lands in
Kalkalli village but it was
rejected on the ground that
a new channel was to pass
by them.
2 That in 1890 Shanbhog Lakshmi
Narsappa applied for and
got the same by a Darkhast
which were dry and situated
above the Channel, which they
were not aware of.
3 That on the strength of this grant
the Shanbhog unauthorizedly
cultivated with wet crops
the adjoining Banjar lands
measuring 25 acres below the

channel -

3 That on report by the Talukdar inquiring the Amildar personally inspected the spot and found it to be a fact and so, he placed the case for the orders of the Jamabandi officer in the Dakhast Takhta -

4. That the Jamabandi officer being satisfied with the Amildar's statement told the petitioners that the lands would be taken back from the Dakhastdar, but on the contrary passed orders confirming the grant to the Shanbhog.

5 That they appealed to the Deputy Commissioner who passed the above order - That neither the Jamabandi Officer nor the Deputy Commissioner examined the ryots in the neighbouring villages on behalf of Govt - That the witnesses on behalf the Shanbhog referred to in the Deputy Commissioner's order were also Shanbhogs - That the statement that the Lands in dispute were in the Shanbhog's enjoyment for the last six years has no foundation, as the lands he had cultivated were above the channel

land they were trying crops till last year.

6 Though the Petitioner himself appeared & was present at the inquiry

Praying that the land unauthorizedly cultivated by Chamaiyan may be given to them - being from application for 10/- per acre, or, be sold by auction.

On this, the Assistant was asked to submit the records together with a full report of the circumstances of the case.

On 9.10.96 the Secretary stated that the 1st Petitioner submitted a memo to the above petition, as no order had yet been passed,

The Dy Commr submitted a full report in connection with the Counter-petitioner's case, who has also appealed to Government against the said order of the Dy Commr reserving from him the value of the lands said to have been unauthorizedly cultivated.

His grounds of appeal are:-

1, That the 1st his lands in dispute by Darkhast in 1890 when Mr Narasanna was the amildar who granted him a Sagunali Cheeti in May of that year

2 That they extended from the shore of the Kapila river to Chakra-Narasa's lands on the South, on which he raised dry crops till last year.

3 That the amildar's statement in the Sakvar Sathla is entirely false, as he had grudge against him.

Rct 735 dated 28th November 1896.

3rd April 897

above noted.

4 That Cheboreny Shelly applied for some Mau lands & that the records have been amended by the Commr

5 That the Jamabandi officer was satisfied himself by inspecting the spot before passing orders -

6 That the Candidar seeing that after all the lands was confirmed to him, instigated Pattama - the petitioner herein - to appeal to the Commr who rejected the appeal, and confirmed the grant to himself on condition of his paying the price thereof at Rs 150/- per acre and ordered that the shenbde sold by auction - praying that on the above grounds the D/Commrs order, which has been passed solely relying on the Candidars statement, neglecting the evidence adduced, may be reversed, and the execution proceedings taken by the Candidar may be stayed, pending the final orders of Govt hereon -

On this, the D/Commr Mysore was asked to submit a full report with the records.

Cit 3 10-11-96
644

Cal No 1588 3 12th April 1897.

The D/Commr submits a brief report of the case as detailed above, and observed that his predecessors order showing the alternative is contrary to rule XX para 29 of the Land Revenue Rules, that appeal has not been given to it and the appellant has not been noted as agent, and that Govt sanction will be sought for before doing so -

8/5/97

PTO

There are three appeals but for convenience, the appeal of Lakshma Narayappa (W.P. is the central one) will be considered first.

The question for consideration is whether maps nos 116-121 included the s nos 74-79. on which pet^r has raised wet crops. Now the only papers in the file which throw light on this question are Serial nos 1 & 13. which mutually contradict each other (According to the first map no 116 corresponds to s no 73-75 & map no 120 to s nos 76-79) Taking however J no 13 (said to be copy of survey maps) as the authority it appears that the s nos 74-79 correspond to maps nos 115, 116, 117, 118 & 121.

Now ever supposing that the maps nos 116-121 were actually purchased for & granted to appl^{cs} the question as to how came to cultivate map no 115 or s no 74. will have to be explained. This does not seem to have been noticed by the Joint Commissioner's office or the Dy Commissioner in his orders. Commissioner is planned in para 8 of the Dy Commissioner's report.

maps nos 119 & 120 appears from Serial no 13 to be situated

above the channel and unfit
for cultivation and are
said to have been disposed?
by appl. to other
Looking to the dark-brown 1890
(Serial No 5), it appears that
maps nos 116-120 & 122 were
darkbrowned for & that maps
Nos 116-121 were marked
(Indeleably in Mauzine's Statement)
That map no 122 is probably
a clerical mistake for 121 as
no tract from the Fauzi tract
map no 122 is encroached
this appears from the Jethwara
book of 1870-71) & does not appear
the other maps nos
The mistake is repeated in
the first column of the
Tahsildar Fausal Tahsil
of 1895-96 & is one more
indication that the
tahsildars knew the
position & the channel
did not know what they
were granting.
As regard the question whether
maps nos 116-118 & 121 (corresponding
to nos 75-79) were granted
under the dark-brown of 1890,

the Dy Comm^r states in para 7 of his report that the annual enquiry was imperfect & unsatisfactory.

The elements that go to identify a certain piece of land are its no (map & survey), its boundaries & its extent.

In this case the annual Jamas is to have taken hold of only one point viz the northern boundary (& it is to be presumed that the other 3 boundaries are correct) no attempt seems to have been made ~~to ha~~ to compare the extent as given in the darkhast with that of the applt's holding, although it is to verify if the two are proper by the Thanbopa corresponding to the map no granted to the applt Thanbopa in 1890.

There are no data on the first of the above points & the data on the second point are conflicting. Serial no 1 is dead (in the field) & be a different person from the present holder but that official is reported (on the annual assessments

took action) is left in the file.
The Land Registration raised the question
about nos 76-79 but the amildar ordered
& nos 74 & 75
In para 5 of the ~~DY Comm~~ Report
the DY Comm'r ~~gives~~ summarizes
the reasons for holding
that the document was
tainted with fraud & that
the talak amildar was
imposed upon.
This is different from what
the amildar tried to make
out in the Taluk Panchayat
viz that the lands (nos 75 &
77) were encroached upon
& cultivated unauthorizedly.
Granting that ~~fraudulent~~
misrepresentations were
made in the document (no 75)
to the Shanbhogue's Statement
(dated 16/6)
it is evident that the amildar
accepted them & granted
Jagir Patti (dated 16/6)
116-121. & the only question
is whether the grant is not
revocable on the ground of
fraud. As regards no 74 (corresponding
to Mgr no 115) the case is different
Sub Dy & 2nd Councillor
M 18/5/97.

sub.

1896

(1)

1896

and Revenue Appeal No. 296 of 1896

Re. No.

Hanmiyappa Pattanashetty and Pattanashetty

Village Kaiaba, Taluq Gadag

Dist. Dharwar.

District Mysore

Date of Petition 30th December 1896

Date of Receipt 1st February 1897

Date of Hearing

Nature of Procedure &c.

Abstract

This is an appeal against the decision of the Deputy Commissioner of Mysore & Deputy Commissioner under Section 30, under appeal, is as follows:—

"Appellant and Pattanashetty Respondent Pattanashetty Ramappa Pattanashetty and the latter's father Narasimiah, were heard in person.

2. The appellant's contention is — that the Respondent is had in 1890 obtained by Pattanashetty, a Land Valuation: That on the death of the

Stand sufficient
In time.
Not a immediate case.
Issue process -
23/12
Receipt
Call previous
& a return
Un-
case called
18/11/96
17/11
S.M. Wyatt
C.H.C. Engl
Regd. Post.
19/11

The said land, the respondent cultivated unauthorizedly. The land is to-day: that the appellant and others had applied for the land for cultivation, but it was refused.

3. That Varada Gounda the Talati Mandalam, held an enquiry regarding the unauthorized cultivation reported to have been done by the Respondent, and found that the said land belonged to the Jamabandy Pattah which is to the Jamabandy for the year 1895-96.

4. The decision of the Jamabandy Officer in the matter of the said unauthorized cultivation is that the Karnam Subbarayudu Pattah which is to the unauthorized cultivation and the land under dispute, formed part and parcel of the land obtained by the Karnam, by a Pattah.

5. The appellant states that he

the said writ in a declaration for the land under-claimed and it was rejected on the ground that the land is a valuable one and the tenant under such cultivation when the new channel came through he has not found his statement by any record - and he has therefore, hardly any ground for an appeal.

7. As it was found necessary under section 217 of the Revenue Code, Premises the order of the Lower Court, upon the record of the case called for and perused.

8. In the declaration in it is said that the channel of Tapeta River formed the eastern boundary of the land claimed by him. the said creek is between the river and the channel, is complained have been cultivated and occupied by the Respondent: the Lower Court construed

the Channel of Tapeta River to mean the river of the Channel

Channel and decided
that all the waters between
the Reserved the Channel,
formed part of the land
claimed by the Shaikhs
in his Darkhast: that
if the opinion of the Jamabandy
Officer be confirmed in
that the western boundary
of the land claimed by the Shaikhs
all together and it is
true, the Reserved
that the land be freed
in the Darkhast, exclude
being
or Jan on the Channel
on the River-bearing
that the western boundary
can be settled. Consequently
it is the said that the above
opinion is not correct
and that the Channel
of the Kapila River is
formed the western
boundary of the land
mentioned in the
Darkhast: that on the
Ramkoya Dar cultivated
lands beyond the said
Creek, there is no doubt
Delay that it is an
un-authorized cultivation
that the Kapila land and the
Nara Ramnah the late
Amildar,

due Khan, say that the
said appeal have been
cultivated recently as
in the year 1895-96: that
the witnesses called by
the Khan bogue state that
the land under dispute
had been in the Kanbogue
possession for the last
16 years, that he has paying
pay crops with
till 1895-96 when he began
plant and crop thereon
the Kulchy channel that
middle section that fill
therefore appears reasonable
to confirm the land to the
Kanbogue rather than
declared him and
to reason pay him it
value an amount of the
unauthorized cultivation
crop Kara 5 Rules
&c of the Revenue Rules.
that Karadamiah father
of the Kanbogue, admits
that the value of the land
is Rs 100 per acre while
the Kanbogue himself
has agreed to pay Rs 150
per acre; that the estimation
of the Assistant Commr is Rs
150 per acre that Respondent
and the Kanbogue has said that the land is
worth Rs 150 to 200 per acre
while cultivation started is worth Rs 200 per acre

~~that~~ the valuation of the land given by the Tavarez Chetty, may not be taken into consideration - as he had sent in a "Darkhast" for the land with a view to award the Ramboya Francis ~~that~~ in connexion with the late ~~said~~ deceased Aandian (Mr. Tavarez) as the land belonged to the late given by him for the said land, it is hereby ordered that R÷ 100 be the rate of the land per acre; that Christian Francis Pereira Chetty, for the land at the said late, the land may be given to him, if not - it may be sold by public auction.

2. Information of the decision arrived may be given to the parties concerned - and a copy of it may also be given to them if applied for."

The grounds of appeal are; -

1. That in 1855, the appellant had sent in a "Darkhast" for some land at Kalla-pitti - Tangalle, called Pallegodella, but it was refused on the

on the ground that the Channel
~~[illegible]~~ was a Creek
not land.

II. That in 1890, Sultan
Ibrahim Kamloque
& Talla Kulli, applied for
the same land for which
the appellants had
in a Dar Khast - and on
Tuesday, some of the day
Lands above the Channel,
and ~~[illegible]~~ the appellants
were not aware of it. That
during the examination
of the Ranjar Lands it was
found and that the Kamloque
had the said land fraudulently
claimed

III. That Sultan Ibrahim and the
Kamloque, had on the ~~[illegible]~~
grant of the
strength they the said included
in the above, carried on
and cultivation &
can - authorizedly, in
a land & acres of land &
below the Channel and
it was reported to the said
by the Dak - Carpenter
who had come & visited
the Ranjar Lands: that on
the said reach, the said
came and visited the
land - and found the &
can - authorized cultivation
the same - and noted the
same in the Dakaar book
No 5: That the Lands lately
Heirs

2nd
Appellants, purchased the land in question - and found it cultivated & enclosed - and possessed accordingly by the Respondents: That he therefore, told the Appellants that the land with the enclosures belonged unfortunately for the Appellants, the Zamindary Peishcush under Government, confirming the land to the Respondents.

IV. That the Appellants petitioned an appeal against the order of the Zamindary Court; & the deputy Collector stating that the order of the Zamindary Court is unjust: that the Appellants should have got the land according to the 1st Settlement: that if the land is not the property of the Appellants in consideration of their former application for it, the land may be valued and given - or it may be ordered to be sold by public auction.

That on the said appeal,

The

the deputy commissioner came to the track and found the un-authorized cultivation to be true with the aid of the Records of the case.

5. That the witnesses examined by Lt. Marshall on the part of Claimant, have no lands by the side of the under-dispute land, but they have come at the distance of about a mile or a mile and a half from it: that neither the Jamabandy officer nor the deputy Commr. has examined the neighbouring land-holders as witnesses that from the report of the Patel-Canungo and the Mouzah Chowkidar who is respected in the Village, it is evident that the land cultivated by the Claimant was Ryotwari.

6. That the deputy Commr. has stated in his order under appeal, that from the evidence of the witnesses examined for Lt. Marshall it is proved that the land under dispute, had been cultivated by the Claimant for the last 5 or 6 years; but it is to say — as the evidence alludes

a decree to the land above the channel - and such to the one below it - as the land was in Bangar till last year.

7. That Narasimiah father of L. Narasaiah offered Rs. 100 per annum of the land under dispute while L. Narasaiah himself offered for it Rs. 125: that the latter however offered Rs. 25 which from the tenants also he was going in receipt on account of the value of the land.

8. That although the Tahsildar had cultivated fraudulently and unauthorizedly the land which is worth Rs. four or five thousand annually and fit for any crop under the channel, yet he was not punished for it: that in case of disputed cultivation, wetland orders, even last all crops of 4 or 10 years - they are rarely paid - and the lands are also taken from them: that the deputy Commissr was wrong in

in ordering that the land
may be given back to ~~the~~ him
on his paying Rs 105, her-
ance — and in case of his
failing to do so — the land
may be resumed — and
sold by public auction.

9. That the appellants
pray that the land under
discussion, may be
ordered to be given to
them for Rs 105, ~~per annum~~
or Rs 200, per annum, in
consideration of their
prior Pankhast/~~ownership~~
~~Jamabandi~~ if not it may be
ordered to be sold by
public auction: That
the appellants, pray also,
for orders for the ~~Govt~~ Govt
Engineer to clear the
channel, in accordance
with their "Pankhast".

1124

(4/40)

L. R
296 of 96
1.

Bon heal relinquishment
write one testimonies
attached
1/10/96.

MYSORE DEMANDS OFFICE.
PETITION DEPARTMENT.
DATE 1-10-96.

3

ਸਾਰੇ ਸਿੱਖ ਸਾਹਿਤ ਵਿੱਚ ਇਸ ਗੱਲ ਦਾ ਜ਼ਿਕਰ ਹੈ ਕਿ ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ ਨੇ ਆਪਣੇ ਜੀਵਨ ਕਾਲ ਵਿੱਚ ਚਾਰ ਉਦਾਸੀਆਂ ਕੀਤੀਆਂ ਸਨ। ਇਹ ਉਦਾਸੀਆਂ ਕਿੰਨੇ ਸਾਲਾਂ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ, ਇਸ ਬਾਰੇ ਵਿਦਵਾਨਾਂ ਵਿੱਚ ਮਤਭੇਦ ਹੈ। ਕੁਝ ਵਿਦਵਾਨ ਇਹ ਸਮਾਂ ਲਗਭਗ ੧੨ ਸਾਲ ਦਾ ਮੰਨਦੇ ਹਨ ਅਤੇ ਕੁਝ ਲਗਭਗ ੨੪ ਸਾਲ ਦਾ। ਇਹ ਉਦਾਸੀਆਂ ਕਿਸ ਕ੍ਰਮ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ, ਇਸ ਬਾਰੇ ਵੀ ਵਿਦਵਾਨਾਂ ਵਿੱਚ ਮਤਭੇਦ ਹੈ। ਕੁਝ ਵਿਦਵਾਨ ਪਹਿਲੀ ਉਦਾਸੀ ਪੂਰਬ ਵੱਲ ਦੀ ਮੰਨਦੇ ਹਨ ਅਤੇ ਕੁਝ ਦੱਖਣ ਵੱਲ ਦੀ। ਇਸ ਤਰ੍ਹਾਂ ਹੀ ਹੋਰ ਉਦਾਸੀਆਂ ਦੇ ਕ੍ਰਮ ਬਾਰੇ ਵੀ ਮਤਭੇਦ ਹੈ। ਇਸ ਸਾਰੇ ਮਤਭੇਦ ਦੇ ਬਾਵਜੂਦ ਇਹ ਗੱਲ ਸਾਰੇ ਵਿਦਵਾਨ ਮੰਨਦੇ ਹਨ ਕਿ ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ ਨੇ ਚਾਰ ਉਦਾਸੀਆਂ ਕੀਤੀਆਂ ਸਨ ਅਤੇ ਇਹ ਉਦਾਸੀਆਂ ਲਗਭਗ ੧੨ ਤੋਂ ੨੪ ਸਾਲਾਂ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ।

ਇਹ ਉਦਾਸੀਆਂ ਕਿਸ ਕ੍ਰਮ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ, ਇਸ ਬਾਰੇ ਵਿਦਵਾਨਾਂ ਵਿੱਚ ਮਤਭੇਦ ਹੈ। ਕੁਝ ਵਿਦਵਾਨ ਪਹਿਲੀ ਉਦਾਸੀ ਪੂਰਬ ਵੱਲ ਦੀ ਮੰਨਦੇ ਹਨ ਅਤੇ ਕੁਝ ਦੱਖਣ ਵੱਲ ਦੀ। ਇਸ ਤਰ੍ਹਾਂ ਹੀ ਹੋਰ ਉਦਾਸੀਆਂ ਦੇ ਕ੍ਰਮ ਬਾਰੇ ਵੀ ਮਤਭੇਦ ਹੈ। ਇਸ ਸਾਰੇ ਮਤਭੇਦ ਦੇ ਬਾਵਜੂਦ ਇਹ ਗੱਲ ਸਾਰੇ ਵਿਦਵਾਨ ਮੰਨਦੇ ਹਨ ਕਿ ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ ਨੇ ਚਾਰ ਉਦਾਸੀਆਂ ਕੀਤੀਆਂ ਸਨ ਅਤੇ ਇਹ ਉਦਾਸੀਆਂ ਲਗਭਗ ੧੨ ਤੋਂ ੨੪ ਸਾਲਾਂ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ।

ਇਹ ਉਦਾਸੀਆਂ ਕਿਸ ਕ੍ਰਮ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ, ਇਸ ਬਾਰੇ ਵਿਦਵਾਨਾਂ ਵਿੱਚ ਮਤਭੇਦ ਹੈ। ਕੁਝ ਵਿਦਵਾਨ ਪਹਿਲੀ ਉਦਾਸੀ ਪੂਰਬ ਵੱਲ ਦੀ ਮੰਨਦੇ ਹਨ ਅਤੇ ਕੁਝ ਦੱਖਣ ਵੱਲ ਦੀ। ਇਸ ਤਰ੍ਹਾਂ ਹੀ ਹੋਰ ਉਦਾਸੀਆਂ ਦੇ ਕ੍ਰਮ ਬਾਰੇ ਵੀ ਮਤਭੇਦ ਹੈ। ਇਸ ਸਾਰੇ ਮਤਭੇਦ ਦੇ ਬਾਵਜੂਦ ਇਹ ਗੱਲ ਸਾਰੇ ਵਿਦਵਾਨ ਮੰਨਦੇ ਹਨ ਕਿ ਗੁਰੂ ਨਾਨਕ ਦੇਵ ਜੀ ਨੇ ਚਾਰ ਉਦਾਸੀਆਂ ਕੀਤੀਆਂ ਸਨ ਅਤੇ ਇਹ ਉਦਾਸੀਆਂ ਲਗਭਗ ੧੨ ਤੋਂ ੨੪ ਸਾਲਾਂ ਵਿੱਚ ਕੀਤੀਆਂ ਗਈਆਂ ਸਨ।

ਕੁਝ ਸਮਾਂ ਪਹਿਲਾਂ ਸਾਡੇ ਦੇਸ਼ ਦੇ ਕੁਝ ਹਿੱਸਿਆਂ ਵਿਚ ਸੋਕੇ ਦੀ ਸਥਿਤੀ ਪੈਦਾ ਹੋ ਗਈ ਸੀ। ਇਸ ਸਥਿਤੀ ਨਾਲ ਨਜਿੱਠਣ ਲਈ ਸਰਕਾਰ ਨੇ ਕਈ ਕਦਮ ਚੁੱਕੇ ਸਨ। ਇਸ ਸੰਬੰਧ ਵਿਚ ਸਰਕਾਰ ਨੇ ਕਈ ਥਾਵਾਂ ਤੇ ਰਾਹਤ ਕਾਰਜ ਵੀ ਚਲਾਏ

30-9-96

1896

No. 1185 (2)

Name of Petitioner Chinnaraja Chetty

Village Kaveripakkam

Taluk

District Chingleput

Date of Arzi 9.10.96

Date of Receipt 12.10.96

Date of Disposal

No. of Enclosure Nil.

ABSTRACT.

In continuation of his appeal
dated 6 Sept. last the petr
this day stated in 1888
for the land sold to the petr
it was agreed on the ground
that the lands belonged to the
Zamin & that Kaveripakkam village
Kaveripakkam is applied for purchase
in 1896 the question of the
the land but it was decided on
the order of the Governor in
that as the tenants of all villages
were allowed the
same privileges as regards the
sale of jirayat lands
the land, price but that he
should pay 4 years of land below
the assessment at 200 Rs per acre

Register L. R.
No. 296 of 96
Serial No. 2

Appeal
No. 189
Date 12 W. 96

DATE 15-10-96

9-10-96

C. R.
296 of 96
3

1 Stamp Sufficient
2 Appeal in time
(3) Order Copy pro-
duced

1896

No. 296 of 96

Name of Petitioner Lakshmana Rao

Village Kavalakatte Thirthahalli

Taluk Thirthahalli

District Shimoga

Date of Arzi 9th October 1896

Date of Receipt 10th October 1896

Date of Disposal

No. of Enclosure Two

ABSTRACT

The [illegible] appeal [illegible]

The [illegible] Subordinate

Commissioner [illegible]

dismissed

The Subordinate

Commissioner under

appeal, [illegible] as follows:—

Read the appellant's

petition, and the Res-

pondent's petition and

Ramappa, and his father

Narasimmiah.

The contention of the

appellant is — that the Ramap-

Order
N
7/11/96

Calendar report
with record
received
8/11/96

10-11-96

Pd
9/11

by cultivation - authorized by the Municipal Board - which is by virtue of the land obtained by claiming by a "Dar Khast," at Kalla Kulli, in 1890, and which was objected to by the appellant & others, was rejected.

3. The Jamadar on the Kalla Kulli Bar, held an inquiry regarding the land cultivated - and found it to be true, and he therefore, placed the matter before the Jamabandi Officer for 1895/96, & order

4. The decision of the Jamabandi Officer in the case, was that the Municipal Board had carried on cultivation, and that the land under complaint formed part and parcel of the land obtained by them by a Dar Khast.

5. The appellant's appeal now is against the order of the Jamabandi Officer

Officer

5. The appellant states that he and others applied in a "darkhast" for the land under dispute and it was rejected on the ground that the land would be fit for cultivation when the Kalla is excluded. It would be then worth a good lakh; but there is no evidence in support of it. Consequently the appellant has hardly any ground for an appeal in the matter.

7. The records of the case have been framed for the purpose of reviewing the order of the Jamabandy Officer under section 217 of the Revenue Code.

8. The respondent L. Narayanaiah has stated in his "darkhast" that the land is bounded on the Northby the Kapila River: that the land lying between the Kapila

River

River and the Channel,
& complained to have
been cultivated &
encroached by
the Respondent: that
the Jamabandy officer
appointed to
enquire stood that the
term "Kapilanadi"
Channel" meant for
the River itself, or for
its Channel, and
decided that the land
between the Channel
and the Kapila River
belonged to the appellant
that the Kapila River
appeared to be the
northern boundary
of the land under
dispute: that as the
Respondent has
cultivated lands
exceeding the said
limit, there is hardly
any doubt to say that
it was encroached
cultivation: that the
Naradanna the late
Mudaliar — and the
appellant, say that
the

the Respondent has
cultivated the land
recently: in 1895-96 -
and the witnesses examined
for the Respondent state
that in 1895-96 when the
channel was extended
and cultivation has
been carried on the land
had it therefore seems
reasonable to confirm
the land to the appellant
rather than to have it declared
forfeited to him, and to award
the value of it from
him as much of the
un-authorized cultivation
under para five of
section 20 of the land
Revenue Rules: that
Sadasiviah father
of the Rambope had
appeared for him and
admitted that the land
may be worth Rs 50 per
an acre - while the
Rambope himself
had offered Rs 125 per
an acre of the said land:
that the value of the land
given by the Deputy Commr
is Rs 150: that the late Amildar
Hill Nandanama, had
Contd

Considered that the land
by worth Rs. 150 or 200 per
annum: that Chelawadaya
Chetty appeared Rs. 200 per
annum, per annum
of the said land: that as
Chelawadaya Chetty
being an interested
party in the case — it
is doubtful whether
the sale effected by him
can be trusted: that the
opinion of the late Mr.
Mr. Paranamana, is
therefore, seconded —
and it is hereby directed
that the pricing of the land
may be fixed at Rs.
150 per annum acre — and
the same assumed
from L. Paranamana
and the land confirmed
to him: that if the Mr.
Chanbagam does not
wish for the land at
that
the above rate — it
may be disposed of by a
sale: that the parties
concerned, may be
informed of this final
order in the case — and a

copy

copy if it may be given if applied for." 15

The grounds of the appeal are;

I. That the appellant's father had been suspended from year in 1890, on account of his having failed to collect the arrears of "Candayam", and one Subbanna Shanbogue of another "Jirka," had been appointed to act for him; and the order of suspension was cancelled subsequently by the Government.

II. That in 1890, the appellant had sued in a "Darkhast" for Rs. 116 d 12 1: That the then Amildar Nadadavara, granted the Darkhast and gave a "Jagavalli-Chit" for it in May 1890.

III. That from the date of the grant of the "Jagavalli-Chit," till last year, the appellant had grown dry crops on all the lands commencing from the

the Crown of the Kapiti Plains and adjoining at the South of Lake Horowhenua Block. That in 1894/95, a branch channel was brought out to Hallaballi.

IV. That from the construction of the said branch channel to Hallaballi, portions of L.D. Nos 116, 117, 118, and 121, were found suitable for irrigation and cultivation, and the applicants have since taken up & rented R. 1000 annually and sold it already for irrigation and cultivation.

V. That the Horowhenua Native Land Court, under whom the land for which the applicants claim, was awarded, by its order, or Crown Grant to Ranui Te Ngahuru, Joseph Jacka's account showing that the land he holds by Native title is good Pasture land and that he has secured by means of irrigation: that since the applicants claiming the land, it was applied

applied for by one Gilson
Rayabahadur — about
a year after the account
of the new channel
expected to be made that
the said Khashy Chiefs
Rayabahadur was for
some other land — and
not for the said land that
the original records
connected with the
said Kharkhash, is
reported to have
been lost that the
Surveyor noted the above
in the Sakaar book —
and placed it before
the Jamabandy officer
for orders.

VI. That the Jamabandy
officer having instituted
the land under dispute
in person, and having
perused the records
connected with it,
confirmed the land
to the appellant Gilson
on the ground that the land
was given to the appellant
heirs & the donation of
the Kulkarnis Chawdi
that the land is a Chadatal
Ranjan — and there is
no other Ranjan adjoining

8

Sick: That the L. No. 1165
Vol. and claim in the
Voltavarry" account
for the year "Kounoudia"
That the N.s alluded to in
the Darkhast, were
held before this, by
Aladrigadaar and
Radagopaadaar - and then
rediqued: That the
Paroodi connected
with the Darkhast
of Chelavarayah "
Chetty, for the land,
have not been "
produced: That the
appellant has thus
a large summ in order
to make the said fish
for such cultivation:
That the lands adjoining
the said N.o, namely
Colas Nos 3 & 4 Peram
ans, for the arrears
of Candayam."

VII. That one Ramia
presented an appeal
against the said order of
the Tamalandy Chetty,
& the deputy Commis-
sioner rejected it for
want

ward of Kuchera Jhumdar
and as the Lambardars
ordered that if the Appellant
agrees to pay Rs. 150 per
annum, the amount may
be recovered - and the
land confirmed to him
if such of it may be
sold.

VIII. That the Appellant
prays that the ordering
the Deputy Commr.
may be reversed - &
that the order of the
Jamabandy officer
may be confirmed

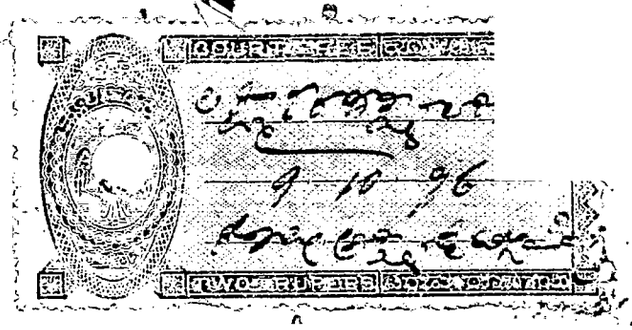
IX. That the Appellant
prays further, that
orders may be given
to stop the collection
of the value of the land -
pending the disposal
of the Appeal.

The enclosures of the
Appeal Petition are;

(1) Copy of Deputy Commr's
Order dated 21. 5. 96. the
translation of this is given
above

above.

(2) Copy of Calcutta Gazette for the year ending March 1896.



Reedley Post Kerd.
13.10.96
Two Rupees stamp affixed
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III — ಈ ಕಾಲದಲ್ಲಿ ಸಾಮಾನ್ಯ-ಸಂಪರ್ಕ ಪ್ರಮುಖವಾಗಿತ್ತು
ದಿತ್ತು - ಆದ ಕಾರಣ ಸೆಕ್ಷನ್ 116 ರಂತೆ ಆಸ್ತಿ
121 ರವರಿಗೆ ಸಾಕ್ಷಿಯಾಗಿ ಸಾಕ್ಷ್ಯ ಹೇಳಿದ್ದಾರೆ. ಆದರೆ ಸಾಕ್ಷಿಗಳು
ಮಾಲೀಕರಿಂದ 1890 ನೇ ಇಸವಿಯಲ್ಲಿ ಅಥವಾ ಅದಕ್ಕಿಂತ ಮೊದಲು
ಪಡೆದಿದ್ದು - ಆದರೆ ಅವರಿಗೆ ಆ ಸ್ಥಿತಿಯಲ್ಲಿ ಆ ಜಮೀನು ಹೇಗೆ
ಬಂದಿತು ಎಂಬುದು ತಿಳಿದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸೆಕ್ಷನ್ 116 ರಂತೆ
ಪ್ರಯೋಜನ ಪಡೆಯಲು ಸಾಧ್ಯವಿಲ್ಲ - ಈ ದಿಸೆಯಲ್ಲಿ ಅವರ
ಹೇಳಿಕೆಯು ಅಪ್ರಸ್ತುತವಾಗಿದೆ.

IV - ಪ್ರತಿವಾದಿಯ ಪರ ಸಾಕ್ಷಿದಾರರು ಸಾಕ್ಷ್ಯ - ಅವರು
ರವರು ಈ ಜಮೀನಿನ ಮಾಲೀಕರು - ಅವರ ತಂದೆ ಮೂಲಕ
ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ - ಅವರು 94-95
ನೇ ಸಾಲಿನಲ್ಲಿ ಸಾಗುವಳಿ ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ ಯಾವುದೇ
ಸಾಕ್ಷ್ಯವಿಲ್ಲ - ಸಾಗುವಳಿ ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ ಯಾವುದೇ ಸಾಕ್ಷ್ಯವಿಲ್ಲ -
ಸಾಗುವಳಿ ಚೀಟಿಯಲ್ಲಿ ಅವರ ಹೆಸರಿಲ್ಲ - ಅವರು ಸಾಗುವಳಿ
ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ ಯಾವುದೇ ಸಾಕ್ಷ್ಯವಿಲ್ಲ -

V — ಅವರು ಸಾಕ್ಷಿಗಳು ಅವರ ಪರವಾಗಿ ಸಾಕ್ಷ್ಯ
ಹೇಳಿದ್ದಾರೆ - 116-117-118 ಮತ್ತು 121 ರಂತೆ ಸಾಕ್ಷಿಗಳು
ಸಾಕ್ಷ್ಯ ಹೇಳಿದ್ದಾರೆ - ಅವರು ಸಾಗುವಳಿ ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ
ಯಾವುದೇ ಸಾಕ್ಷ್ಯವಿಲ್ಲ - ಅವರು ಸಾಗುವಳಿ ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ
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VI. ಆದ ಕಾರಣ ಅವರು ಪ್ರತಿಕೂಲ ಆಸ್ತಿಯ
ಮೂಲಕ ಆ ಜಮೀನಿನ ಮಾಲೀಕತ್ವವನ್ನು ಪಡೆದಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ
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ಸಾಕ್ಷ್ಯವಿಲ್ಲ - ಆದ್ದರಿಂದ ಅವರು ಸಾಗುವಳಿ ಮಾಡಿದ್ದಾರೆ ಎಂಬುದಕ್ಕೆ

[illegible]

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VII [illegible]

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MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. dated

received at the Dewan's Office from

is forwarded, together with its enclosure, to the Deputy Commissioner of the District for a full report of the facts of the case and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Chief Secretary.

BANGALORE,
1896

M.G.C.P.B.—25-4-95—1,000

Pet 735 P2 (5) 20-8-96 23-11-96

G. F. 276 of 96 5

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

12

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition No. 1124 dated 30-9-96 received at the Dewan's Office from [illegible]

Certaincars at Kolhalli

is forwarded, together with its enc enclosures, to the Deputy Commissioner of Mysore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

for Chief Secretary.

BANGALORE,
Noor. 189

M.G.C.P.B.—25-4-95—1,000

Subpetition with reference to the Revn. Commissioner's order in abstract of petition 6 of 9-10-96.

Another file on the same subject Extract letter of Comrs No 157 of 13-4-97 is sent also for perusal with this

22/4/97

The question for decision in this Case is whether maps now Included in the Register are the same as those in 116 & 721 of Inam 74 & 79.

A careful precis of the records should be made (Village accounts, Darkhast records, documentary & oral evidence, inspection Amin's Reports &c) M 28/4/97

Vide Addn

Researcher for precis

29/4/97

Precis put up

8/5

Sent

10

Petition Branch

M 18/5/97

(6)

1803

19 APR 97

Q. R.

From 24 of 96

The Deputy Commissioner

6 of the Mysore District.

(2)

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Dated 12th April 1897.

Despatched

Received

Enclosures No. Petition Cy. 12066 with 2 Mn and Canarese records

No. 1578

Reporting on the appeal-petition of Lakshmikantamma & Nine others of Kimmegge, Shanbogue of Thana Kapad and other villages of the Nanjangud taluk.

Petition Branch

17-4-97

M

Ref

22/4.

No. 4518
Enclosures No. Petition
No. 12066 with
2 Sr. and Lzuance
Records.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated 12th April 1897.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your official memorandum No. Pet./644 of the 13th November 1895 forwarding for a full report on the facts of the case, the appeal petition of Lakshmiranappa son of Narasimhayya, Shanbhogue of Hanalapura and other villages of the Nanjengud taluk, I have the honor to state as follows:-

2. On the 17th January 1890, the appellant Lakshminarappa presented a darkhast to the Nanjengud taluk cutcherry praying that majis Nos 116 to 121 of the Kallahalli village might be given to him for cultivation. The appellant's father Narasimhayya who was shanbhog of the said Kallahalli and other villages was then under suspension; and Lobbiana, shanbhog of the neighbouring Chikkaganachatra village, was looking after the shanbhogi duties of these villages. After some correspondence between the taluk and the hobli sheikdar, the lands applied for were granted without a vale to the applicant by the sheikdar Narasanna who is stated to have just then taken charge of the taluk, and a Lezanali

which was issued therein on the 15th June 1899. The total area of the dankhat lands as given in the application and the statement furnished by Shanbhag Sadhanna is 11 Candi, 2 Kalaga and 0½ mans, with an assessment of Rs. 7.5.3. The boundaries of the dankhat lands have been described both in the application and the Shanbhag's statement, the northern boundary of these lands being therein mentioned as the [illegible] close to which the channel of Kalihalli branch channel now runs. It is also expressly mentioned in both these papers that the lands applied for are situated above the channel and are not fit for wet cultivation.

3. One Khelooram, a shetty of Sanjegud presented a petition to the Taluk Cutcherry, complaining that more than 12 years in the Shanbhag's holding had been applied for by him as far back as July 1898, and that his dankhat had been rejected on the ground that they were capable of being converted into wet cultivation and that he gave the lands up to be given out for cultivation, he had a preferential claim to them, being the original dankhaddar. The Dank Inspector of the Taluk whom the dankhaddar had deputed to select wet lands out of the Government kanjar for the dankhaddar's maintenance at Sanjegud had risen to report that owing to 16 to 20 on which the Shanbhag had raised wet crops were Government property and accordingly submitted a statement

to

to the effect to the Taluk-Huildar.

4. On receipt of the Talk Inspector's report, which appeared to substantiate the complaint brought forward by Shelonaragachetty, the Huildar instituted an enquiry as to whether any Government lands had been encroached brought under wet cultivation. This enquiry led the Huildar to conclude that all the lands lying below the branch channel were not included in the numbers originally granted to the Shanbhag on darkhast that he had encroached upon them subsequently and was therefore liable to be evicted therefrom. The reasons for the above opinion of the Huildar are embodied in the Jabaar-final-taksil submitted by him in March 1915 for the orders of the Jamabandi Officer may be briefly summarized as follows:-

(i.) That since the lands applied for were described in the darkhast application and the statement furnished by Shanbhag Lakhanna as being situated above the channel and bounded on the north by the [redacted] and unfit for wet cultivation; it followed as a matter of inference that the lands lying to the north of the channel were not comprised in the lands granted on darkhast-

(ii) That if the Darkhast was really intended to include the lands now brought

under wet cultivation viz: survey Nos 74, 75, 76, 77, 78 and 79 and which form the subject matter of this appeal, the southern boundary of the darkhast lands should have been shown as being major Dos marked NS and since the boundary was not so described, they were excluded from the darkhast.

(iii) That the above argument is further corroborated by the village accounts of the previous years.

5. The Amildar further observes that the very fact of the darkhast application being presented in the name of the Shanbhag's son who was then a minor and at a time when there was a change of Amildars in the Taluk; the concealment of the fact of previous darkhasts having been received for the same lands from Chelamanoja setty and others, which necessarily must have been known to the Shanbhag Narasimhayya and of which he now pretends ignorance; the misrepresentation contained in the darkhast application that the lands were not capable of wet cultivation; and the false certificate made by Shanbhog Seshanna that no previous darkhasts had been received for these lands, which he alleges to have made on the assurance of the suspended Shanbhog Narasimhayya since he himself being inexperienced, was acting under his instructions

as per orders of the Amildar, prove conclusively the total want of a bona fide intention on the part of the Okhatdar and that in fact the whole transaction is a fraud.

6. Mr. Hardie who conducted the Ramandi settlement of the Sanjeyad taluk in the year 1895-96, inspected the lands in question, and after perusal of the records and taking such further evidence as he considered necessary, happened to disagree with the Amildar and found that there was no encroachment upon Government lands, holding that these lands were given out for cultivation before the Hallal channel was sanctioned as they were probably then considered as dry and not fit for wet cultivation. But I must here point out that though the project was formally sanctioned in July 1896 i.e. about a month after the date that was granted, the project must have been well known to the public especially the Ahmadpur long before; and it is also on record that muddal bills for the payment of contribution were taken in the year 1895 by Amildar Raghunandan Rao.

Mesne profits are not to be awarded for encroachments after the date of the Amildar's order.

7. I am constrained to remark that the enquiry made by the Amildar and his report as contained in the Jabkar-tabta are alike incomplete and unsatisfactory. The Amildar has failed to elucidate the extent of the lands alleged to have been encroached upon, and whether the extent of the lands now in the

Shanbhogue's holding agrees with that given in the darkhast application. The question of Shanbhogue's claim to the lands granted to the Shanbhogue as being the original darkhastdar, and that of the Shanbhog's unauthorized cultivation have been blended together and an air of indistinctness pervades the whole of his report. Further he failed to place before the Jamabandi Officer the chief point viz: that the lands encroached upon by the Shanbhogue being situated to the north of the channel could not have been the identical one and for which he sharkhasted as the latter was to the north of the said channel according to the applicants. It is absurd to say that the northern boundary of the lands in dispute was either the Kapila river or the southern channel, as the most valuable lands are situated between the river and the channel.

6. Further the remark contained in the old darkhast registers that the application of Shanbhogue Setty and others for these lands had been rejected on the ground of the said lands being capable of wet cultivation, clearly shows the fallacious nature of the Jamabandi Officer's reasonings are based on mere probabilities. The Muildar's negligence to inspect the lands which were close to the Salak Head Boarders before sanctioning the darkhast is to be greatly regretted and has resulted in serious loss to Government. I must also doubt the soundness of his further argument in having accepted the explanation offered by the appellant in construing the description of

boundaries contained in the dereliction application. The corresponding maji No. as given in the sarve accounts for the lands on which the Shambhog raised wet crops do not appear to tally with the maji numbers mentioned in the dereliction application. An attempt is also made to show that these lands were quite valueless at that time by quoting an instance in which a wet-land of large extent was sold for a paltry sum in recovering arrears of Government revenue, but this most probably is another instance of fraud.

9. As regards Chelavarayasetty's application, the Jamabandi Officer thought that as the original dereliction application was not forthcoming in the Taluk records and his dereliction itself had been rejected several years back, it was inexpedient to reopen the matter now and therefore refused to consider his claims.

10. Against this order of the Jamabandi Officer two appeals were preferred to the Deputy Commissioner one by Chelavarayasetty and the other by Pattana Pattanna. Chelavarayasetty's appeal was rejected as being time barred. The other appeal preferred by Pattanna was also thrown out as having no locus standi, since the appellant did not adduce any evidence to show that he had previously applied for the lands in question. Though the two appeals were thus disposed of on a technical defect, my predecessor thought

necessary to revise the proceedings of the Revenue Officer under section 27 of the Land Revenue Code, as the records disclosed a series of irregularities. The appellant Lakshmanarappa and his father Narasimhayya and also the two previous darkhastdars Chelomareyappetty and Poottanna were heard in person by Mr. Venkatarangaiyengar at Manjanpad in the presence of the late and the present Amildars of the Taluk. After a minute examination of the records Mr. B.K. Venkatarama Aiyengar was of opinion that all the lands lying between the branch channel and the Kapila river had been encroached upon by the Shanbogue subsequent to the granting of the darkhast. As regards the interpretation given by the appellant for the phrase "ಮೇರೆ ಕಡೆಯ ಹಳ್ಳ" he considered it as a mere after-thought and an unsuccessful attempt to explain an inconsistency which was too palpable to be passed over. For if this interpretation of the Shanbogue were to be accepted, it would leave the northern boundary of land applied for quite uncertain and even Lakshmana, the Shanbogue, who prepared the darkhast statement took it in the ordinary sense and understood that all the lands applied for were situated above the channel. Some evidence has been adduced by the Shanbogue to show that the lands in question have been in his enjoyment for some years past and my predecessor

therefore considered that it was not advisable to disturb his possession and offered to confirm the lands in his holding on payment of a fair upset price, there being provision for such a procedure in para 5 of rule XX of the Tigyaw Land Revenue Rules. The Amildar was of opinion that the lands were worth Rs. 150 per acre and Chinnaraya Setty offered Rs. 200 per acre. The Thambiah himself offered Rs. 125 per acre. The upset price was therefore fixed at Rs. 150 per acre and the Amildar was ordered to recover the same from the appellant. In case the appellant was unwilling to pay the price fixed, it was further ordered that the lands were to be sold by public auction. The latter point of the order is contrary to rule 20 para 23 of the Land Revenue Rules, but the appellant had not been evicted as yet. Effect has not been given to it but before doing so, Government sanction will be sought for.

11. Against this order the petitioner Kakkumanaraja has now appealed to Government.

12. The entire Revenue records bearing on the subject are herewith submitted for perusal. The appeal petition together with its enclosures is also retransmitted as directed.

I have the honor to be,

Sir,

Your most obt. servant

Compd:
TCM.

Deputy Commissioner.
Tigyaw District.

Pet 618

41

Reference

Ed/ 1/6

5/6/97

1897

No. 1572 (8)

Name of Petitioner: Lakshmiravamma Sun of Narasimmiah Shanbhog in of Kallanahalli and

Village

Taluk: Nanjangud

District: Mysore.

Date of Arzi: 3. 6. 97

Date of Receipt: 5. 6. 97

Date of Disposal:

No. of Enclosure: Nil

Subject: The Assistant Secretary the reference. No can has been issued to be posted for hearing. Please see 2nd Commissioner's order of 29-5-97 on the Petn

5/6

7/6 Petr. file produce the order (referred to by him) from the Jamabandi officer

by the 21/6/97 for

Ed/ 7/6/97

Ed/ on petn

Nil 9/6/97

9-6-97

Rec'd 9/6

ABSTRACT.

With reference to this office Endt No 1206 of 11-6-97 on his appeal against the order of the Dy Commr leasing an acreage of 1.50 in portion of his lands, States that during the year Shivanabhatta cultivated the same land as in the previous year; that the Dk authorities brought the matter on the Varadar Sachita and submitted it to the Jamabandi officer who fined him Rs 5 for cultivation the land without obtaining the amount as directed by the Dy Commr and prohibited him from cultivating the land subsequently; that

that the Dy Commr in his
order holds that if the amount
as ordered by him is not paid,
the same should be secured
by the sale of the land, & that
has not prohibited its cultivation.

Prays that the above order
of the Jamabandi officer may
be cancelled and that orders
may be issued to hold the
Dy Commr's order in abeyance
pending disposal of his appeal
to Govt.

5/6/97.

G. & R. 29 (10)

296 of 96

From

Letter No. 10

1897

REVENUE
G.L. No. 2402
Rec'd 1897
OCT.
DEWAN'S OFFICE.

The case has to be reported for hearing & brought up for posting

My 21/10/97

Reports for hearing on 30-11-97

M

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Govt. of Mysore,
Revenue and General Departments.

Dated 23rd Sept 1897
Despatched
Received

General No. 373
No.

Enclosure No. Sketch plan and Enquiry record

Submits sketch plan showing the positions of the Kapila river, the Mal[illegible] channel &c in connection with the [illegible] of Anicut improvement [illegible]

Rec
4.10.97
Ind b/file
Petition Branch
4/10/97

Refer put up.
Submitted
AK
8/10/97.

BK
9/10/97

(11)

No. 373

Enclosure No. Sketch plan Encumbrances & titles.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT.
Dated Mysore 7th July 1897.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

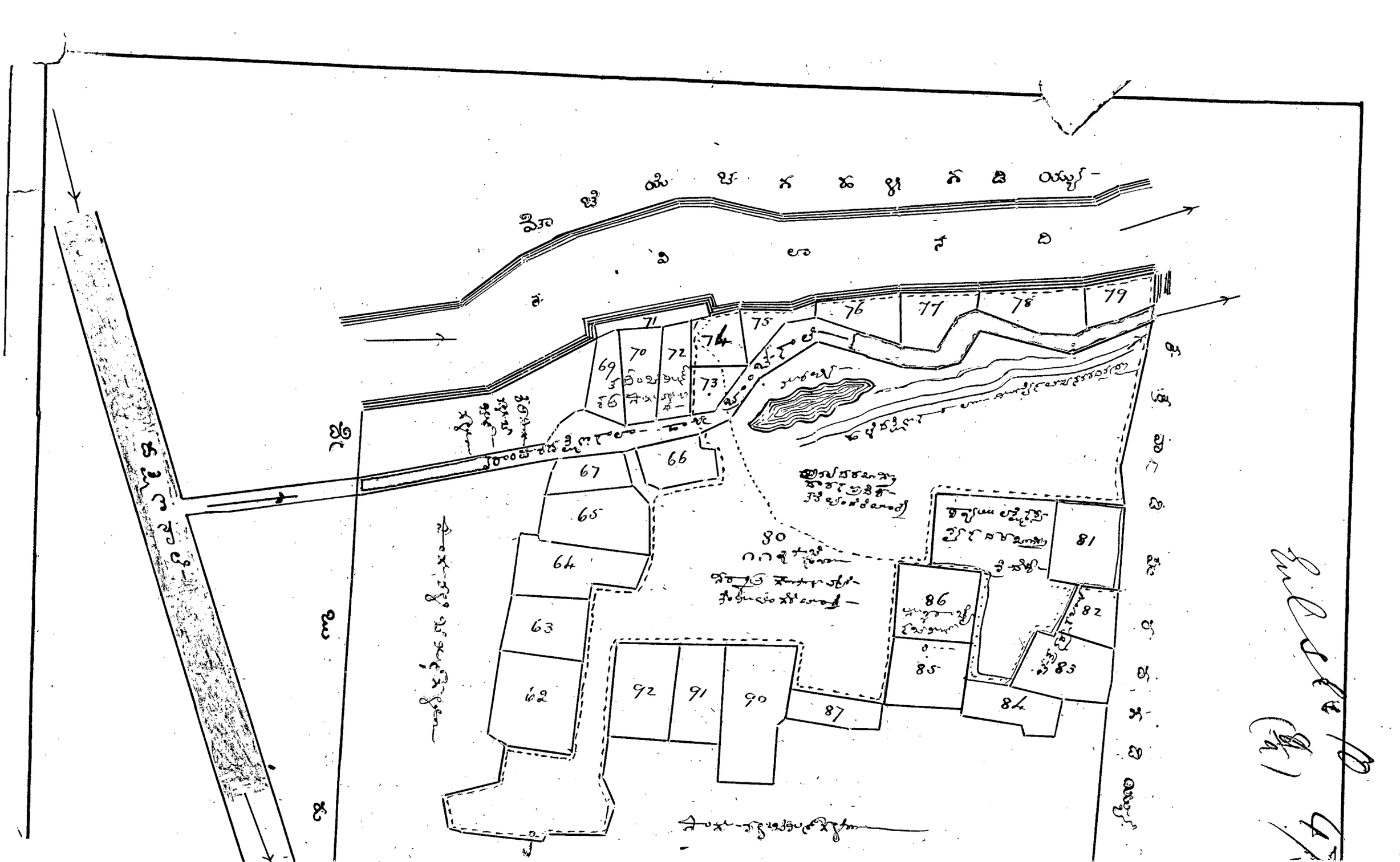
As required in your letter No. 357 dated the 7th July 1897, I have the honor to submit herewith a sketch plan showing the locations of the Kharifa under the Kukkarahalli channel, the branch channels and the numbers of the lands, &c in connection with the petitions of Kuttu Chetty and ——— Chetty and ——— Chetty.

The encumbrances according to the records are there with as forwarded. ———

I have the honor to be
Sir,
your most obedient servant

Deputy Commissioner
Mysore District

Encls
as above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(8/6)

[illegible]

30 [illegible]

[illegible] 88 [illegible] 20 [illegible]

2 [illegible]

24-9-88 [illegible]

17-3-90 [illegible]

[illegible]

[illegible] 73 [illegible] 79 [illegible]

[illegible] 113 [illegible]

[illegible]

[illegible] 116 [illegible] 121 [illegible]

[illegible] 116 [illegible] 121 [illegible]

[illegible]

ಸಹಿ/-

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(illegible)

[illegible]

5-7-58

[illegible]

Urgent (11) S.

1897

L. R. 296 of 96 / 11 of 96

From The Secretary to the Government of Mysore.

To The Supdt Inspr. of Revenue Survey

Dated 25th

Despatched 25th Nov/97

Received

General No. 4606 P.

P. No. 647

Enclosure No.

Has the favour to request that the Survey Vasul Baki accounts of Kalhalli, in the Nanjangud Taluk may be forwarded to this office as early as practicable for reference in connection with the Revenue Appeals Nos 119 and 120 of 1896-97 which stand posted to 30th Instant for hearing before Councillors.

By Order

for Secretary

Draft

S.V. 25/11/97

(12)

Gen. 31.]

189

Section L-R

No. 29.0f96 From L.

Secretary to the Govt of Mysore Gl & Rev Dept

Dated 29th November 1897

Despatched

Received

General No. 359

No.

Enclosure No.

Secretary's Docket
No. 4606 of the 25th
P. 647
Instant.

Has the honourable
State that the Settle-
ment of the Langura
-gud Taluk not
having been com-
menced the Vasul-
-Baki of the village
of

of Kaliuokalle Road, as a matter

of course, not been surveyed.

A. Pratt

Supt. Olaa Red.

Survey

3 Part (13) 58

Section L. B.
File No 276 of 96
No 13

18-12-97

By order

For Secretary.

Section L. R.
File No 96 of 96
Serial No 14

By order

for Secretary.

17/12/47.

(15)

Section L. R.

No. 15 of 96

Receiving petition of appeal &
Register

Read:—

(1) Petition of appeal No. 1206/A.S. 113 dated 3rd October 1896 from Lakshminarasappa of Hallahalli Kasba Ranganad against the order directing the levy of an upset price at the rate of Rs 15 per acre, on L. No. 74 to 79 of Hallahalli unauthorizedly cultivated by him.

(2) Petition of appeal No. 1124/A.S. 120 dated 20th September 1896 from Chikkarangappa Gowda and Puttamma of Kasba Ranganad against the Deputy Commr's order declining to resume the aforesaid lands from Lakshminarasappa and all them in joint auction

(3) Correspondence ending with letter No. 373 dated 23rd Sept 1897 from the Deputy Commr Mysore District.

(4) Records of the case.

This case arose as follows:—

On the 7th March 1893 the first appellant subsisted Inamdar applied to the Assistant of Ranganad for the grant of Inam Nos. 116 to 120 and 122

Rajah for appeal
Sub & 2nd Councilla
M 8/12/97.

Cotton.
9.12.97

Q.
10/12/97

Draft
Rejected
10/12/97

of Hallahalli for cultivation.
Lakkeri narasappa was then
a minor and his father
Narasimmaya who was the
Shanbhag of Hallahalli and
other villages was made suspension,
the Shanbhag of a neighbouring
village working upto the duties
under the instructions of the
suspended Shanbhag. The
lands are described in the
darkhast as well as in the
Shanbhag's statement as lying
to the south of the southern
channel of the Kapila river
and are unfit for wet cultivation.
Amildar Ramachandra who is
stated to have just then taken
charge of the taluk granted the
lands Nos 116 to 121 without
enquiry and issued a Cowle
thereon the 31st May 1890.
2. On the 22nd November 1894
Lakkeri Narasappa, the 2nd appellant
complained to the Amildar
that while his darkhast for
Nos 116 to 121 had been
rejected in 1888, on the ground
that the cultivation of the

Kulkalli channel was under consideration and that the lands were liable to be converted into wet, the same lands were granted to Lakshmi narasappa without sale and prayed that they should be granted to him, being the first applicant. About the same time the Land Inspector of the taluk who had been deputed by the Collector to select wet lands out of Government waste for the Srikanteshwarasamy temple at Nanjangud submitted a report showing that Lakshmi narasappa had, under cover of the darkhast of 1890, cultivated lands (S. Nos 74 to 79) lying to the north of the channel - the boundary mentioned in the darkhast - and raised wet crops thereon.

(3) In August 1895, the Collector held an enquiry and submitted the matter in March 1896 for the orders of the Commissioner with his opinion that the lands S. Nos 74 to 79 had been unauthorizedly cultivated by the first appellant. In the enquiry held by the Commissioner, some oral evidence

was ordered to identify some of the
Maji Nos 116 to 124 with the lands
S. Nos 73 to 79. Believing this
evidence and the explanation
of Kaleburinaraschipa that
the boundaries given in the
declaration were only approximate
the Jamabandy Officer held
that there was no encroachment
and that though the Surveyor
was wrong in having accepted
the declaration, the lands confirmed
in the declaration could not now
be resumed. Chaluvarayaswamy's
claim was rejected as the records
relating to his declaration were
not forthcoming and the
declaration itself had been
rejected several years ago.
The Deputy Commissioner, to whom
appeals against the above order
were preferred by Chaluvaraya
Chetty and Pattanna, rejected
them as time-barred and as they had
having no locus standi [illegible] to question the order,
but, in exercise of his revisionary
power, reversed the Jamabandi
Officer's order, and in consideration
of possession for several years,
confirmed the lands to the
first appellant on payment

payment of an upset price for the lands at the rate of Rs 150 an acre. Hence the present appeal to Govt.

S-383.
R. 746 / 8/20 27

Order therein

Govt observe that the circumstances of the case leave no doubt that the lands lying to the north of the channel vs S. Nos 74 to 79 have been unauthorizedly cultivated by the first appellant. The lands cannot be said to have been acquired under the Sanad of 1879, as the lands therein described lay to the south of the channel and the attempted identification by means of oral evidence of the Mirasi Nos 116 to 121 with the lands in question is not free from doubt. Even if the identification is considered as satisfactory, the statement in the Sanad and the Mamlatdar's certificate that the lands were not irrigable by the proposed channel and that there were no previous cultivation for the same; at a time when such

duckbacks were being invariably rejected under G.O. Comp. No 1382-90 of 1st October 1923 and machalikas for payment of contribution had been taken a year ago, cannot but be regarded as fraudulent misrepresentation

2 The Deputy Commissioner's order is under the circumstances very fair and is hereby affirmed. The appeal of Lakshmi narasayya is rejected.

3. Buttanna did not appear at the time of hearing and Chelumarayya (Vakil) failed to appear on the adjourned date. Both appeals are struck off the file.

4 Let an authority of conveyance Lakshmi Narasayya is allowed time to pay this amount in two annual instalments.

Secretary

Redraft

8/11/29

To

The Deputy Commissioner
Nuzvid with records

Received
15/12/29

Despatched
18-12-29